



METROPOLITAN  
TRANSPORTATION  
COMMISSION

## Government-to-Government Consultation With Native American Tribes



# mobility *for the next generation*

Transportation 2030 Plan for the San Francisco Bay Area  
March 2005



**Transportation 2030 Plan  
Government-to-Government Consultation  
with Native American Tribes  
March 2005**



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## **Introduction**

State and federal regulations require MTC to conduct government-to-government consultation with tribal governments of federally-recognized Native American tribes in our planning and programming activities. This report documents government-to-government consultation MTC conducted during preparation of the Transportation 2030 Plan.

## **Overview of Transportation 2030 Planning Process**

The Transportation 2030 planning effort kicked off in June 2003. In the fall of 2003, MTC conducted an extensive Phase 1 public involvement program to gather public input on regional policies and investment programs. In December 2003, the Commission adopted regional policies and investment programs, including:

- Roadway and transit capital shortfall program
- Regional operations programs
- Transportation for Livable Communities (TLC) and Housing Incentive Program (HIP)
- Lifeline transportation program
- Regional bicycle and pedestrian program

Phase 2 of the planning effort occurred between January 2004 and October 2004. During this phase, the counties congestion management agencies (CMAs) deliberated and held public meetings to consider which projects to advance to MTC for inclusion in the Transportation 2030 Plan. MTC staff worked closely with the Minority Citizen's Advisory Committee on parts of the Transportation 2030 Equity Analysis. In addition, MTC staff worked with a variety of stakeholders to implement portions of the funding programs established at the close of Phase 1.

The release of the Draft Transportation 2030 Plan and Draft Transportation 2030 Plan Environmental Impact Report (EIR) in November 2004 marked the beginning of Phase 3. MTC held three public hearings, conducted a Web survey, and solicited written comments on the Plan and EIR through January 7, 2005. The Commission is expected to adopt the Final Transportation 2030 Plan on February 23, 2005.

## **Government-to-Government Consultation for Transportation 2030**

### ***MTC/Caltrans/Tribal Government Consultation Meeting, October 16, 2003(Phase 1)***

Caltrans District 4 and MTC jointly initiated this consultation meeting to open lines of communication, consider the potential to establish formal relationships between the agencies and tribal governments, and to ensure tribal transportation needs would be considered in regional transportation planning efforts, including development of the Transportation 2030 Plan. The meeting was held at the National Indian Justice Center in Santa Rosa. This effort was undertaken with considerable assistance from the Caltrans Native American Liaison Branch.

MTC and Caltrans invited chairperson and staff of 19 federally-recognized tribal governments in the MTC region and neighboring counties. A Save the Date postcard was sent to tribal

representatives approximately six weeks prior to the meeting. Formal invitation letters were mailed approximately two weeks before the meeting. Staff from MTC, Caltrans District 4 and Caltrans Native American Liaison Branch followed up with staff from the invited tribal governments to encourage attendance.

A total of 35 individuals attended the meeting, including: representatives of eight tribal governments listed below; MTC Commissioners; MTC Executive Director and staff; Caltrans District 4 Director, several Deputy District Directors and District 4 staff; staff from Caltrans District 1; and Caltrans Native American Liaison Branch in Sacramento.

Federally Recognized Tribal Government Represented on October 16, 2003

Tribal Governments in the MTC region:

- Cloverdale Rancheria
- Dry Creek Rancheria
- Federated Indians of Graton Rancheria
- Stewarts Point Rancheria

Tribal Governments in the Neighboring Counties:

- Coyote Valley Rancheria
- Redwood Valley Rancheria
- Scotts Valley Band of Pomo Indians
- Robinson Rancheria

Joseph Meyer, Executive Director of the National Indian Justice Center facilitated the consultation meeting, which included an introduction to MTC and the long-range transportation plan by Steve Heminger. Caltrans District 4 Director Bijan Sartipi provided an overview of Caltrans. Mr. Myers then facilitated an open discussion of tribal transportation interests.

An article about the consultation was published in the *Santa Rosa Press Democrat* on October 23, 2003. This article did not accurately represent the intent of the consultation nor the events that in fact transpired. A follow-up editorial was posted on October 26, 2003. In follow-up correspondence with tribal government representatives, MTC staff expressed regret about the article and committed to continue to work with the tribes in the spirit expressed on October 16. MTC Commissioner Pam Torliatt featured the consultation meeting in her November 2003 constituents' newsletter on MTC-related activities.

The following materials are included in Appendix 1:

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|---------|--|
| Part A: | Letters of Invitation from MTC and Caltrans              |
| Part B: | Agenda   |
| Part C: | List of Attendees  |
| Part D: | Summary of Comments by Tribal Government Representatives |
| Part E: | Presentation by Steve Heminger                           |
| Part F: | News Article, Editorial, and Newsletter                  |
| Part G: | Follow-up Letters from MTC                               |

The meeting is also summarized in the Caltrans District report “Summary of Native American Government Outreach on Transportation Planning Process in San Francisco Bay Area” (August 2004).

### ***Follow-up to October 2003 Consultation Meeting (Phase 1)***

Following the October 2003 meeting, MTC took several steps to facilitate government-to-government consultation with tribal governments. These steps, not specific to the Transportation 2030 planning process, lay the groundwork for ongoing consultation in all of MTC’s planning and programming activities:

- Add tribal chair persons and staff on the distribution lists for the Partnership Board and Partnership Technical Advisory Committee. (Done October 2003, maintenance ongoing.<sup>1</sup>)
- Add tribal chair persons and staff on the distribution lists for all MTC Committee and Commission meetings. (Done October 2003, maintenance ongoing.<sup>2</sup>)
- Provide names and addresses of tribal representatives to CMAs for inclusion in their mailing lists, and continue discussions with CMA executive directors about how MTC and CMAs might work with tribal governments. (Done October 2003, maintenance ongoing.)
- With the National Indian Justice Center, apply for a Caltrans planning grant that would explore potential to form a multi-jurisdictional tribal council of governments for transportation planning. (Grant proposal submitted January 2004.)

### ***Invitation to Discuss Projects of Interest, May 2004 (Phase 2)***

In May 2004, MTC sent follow-up letters to the chairpersons of each of the tribes within the MTC region. These letters, dated May 17, 2004, noted the close of Phase 2 of Transportation 2030 and extended an offer to meet with tribal representatives to conduct government-to-government consultation regarding any investments of interest to the tribe. Prior to sending the letters, MTC staff conducted e-mail correspondence with staff from the Dry Creek Rancheria, who had requested meeting with MTC and Caltrans District 4 staff to discuss some transportation improvements of interest. Despite several exchanges, Caltrans and MTC staff were unable to confirm a meeting date with Dry Creek Rancheria staff. MTC staff did not receive communication from representatives of any of the tribal governments in response to the May 17 letters. Copies of these letters, dated May 17, 2004, are included in Appendix 2.

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<sup>1</sup> As of December 2004, Representatives of the Lower Lake Rancheria tribal government have been removed from the MTC mailing database, since mail to the address on file has been returned and MTC is unable to find a current address.

<sup>2</sup> See note above regarding Lower Lake Rancheria.

***Notice of Release of Draft Transportation 2030 Plan, December 2004 (Phase 3)***

In December 2004, *Draft Transportation 2030 Plan*, MTC sent letters to each of the federally recognized tribes in the MTC region to alert them to the release of the draft plan and environmental impact report. MTC staff offered to meet with tribal representatives at their convenience to conduct government-to-government consultation on the plan. The letters also invited tribal representatives to submit comments in writing or on the MTC Web site, or to attend any of the Transportation 2030 hearings held in December. Staff did not receive any comments from representatives of the tribal governments. Copies of these invitation letters, dated December 3, 2004, are included in Appendix 3.

**Beyond Transportation 2030**

With development of Transportation 2030, MTC considerably expanded its efforts to conduct government-to-government consultation with Native American tribes. It is important that MTC continue to build on and improve the relationships and practices established during development of Transportation 2030 and that MTC conduct consultation with Native American tribal governments in all our planning and programming activities. In particular, MTC is committed to continuing to build staff-to-staff relationships and making a commitment to contact tribal governments as early as possible in planning and programming processes.

## **List of Appendices**

### **Appendix 1**

Part A: Letters of Invitation from MTC and Caltrans

Part B: Agenda

Part C: List of Attendees

Part D: Summary of Comments by Tribal Government Representatives

Part E: Presentation by Steve Heminger

Part F: News Article, Editorial, and Newsletter

Part G: Follow-up Letters from MTC

**Appendix 2** Invitation to Discuss Projects of Interest, May 2004

**Appendix 3** Notice of Release of *Draft Transportation 2030 Plan*, December 2004